

**JOINT MEMORANDUM OF UNDERSTANDING –
Florida Best and Brightest Teacher Program Awards,
Instructional Employees and Education Support Professionals (ESP)**

Whereas, the School District of Osceola County, Florida, and the Osceola County Education Association acknowledge and seek to comply with:

- the definition of instructional employees within *Section 1012.01(02)(a) through (e) – Definitions, Florida Statutes*; and
- the requirements within *Section 1012.731 – The Florida Best and Brightest Teacher Program, Florida Statutes*;

Whereas, both parties understand that per state law, Osceola County charter schools shall receive their proportionate share of funds from the School District's allocation for the Florida Best and Brightest Teacher Program prior to any awards of these funds to the School District's eligible full-time Kindergarten through Grade 12 (K-12) or Adult Education instructional employees within traditional public schools;

Whereas, both parties understand that it is the intent of the Osceola County School Board to reward as many high performing eligible full-time K-12 or Adult Education instructional employees as possible with the funds within the School District's allocation for the Florida Best and Brightest Teacher Program;

Whereas, both parties understand that per state law, Pre-Kindergarten instructional and paraprofessional employees are **not** eligible for any award within the Florida Best and Brightest Teacher Program and shall be excluded from any determinations;

Whereas, both parties understand that per state law, Adult Education instructional employees may be eligible for an award within the Florida Best and Brightest Teacher Program and shall be included in any determinations;

Whereas, both parties understand that per state law, K-12 or Adult Education paraprofessional employees may be eligible for an award within the recognition award category only within the Florida Best and Brightest Teacher Program and shall be included in that determination;

Therefore, be it resolved that for the 2019-20 contract year, both parties agree to the following terms and conditions related to the School District's implementation of the Florida Best and Brightest Teacher Program:

1. General Criteria that Apply Across All Award Categories

- Pursuant to *Section 1012.731 – The Florida Best and Brightest Teacher Program, Florida Statutes*, all recruitment and retention awards shall be paid prior to any consideration of recognition awards.
- Any funds remaining after recruitment and retention awards shall be distributed as recognition awards.
- The amount of the recognition award shall be based upon:
 - The amount of the School District's final FEFP appropriation received from the Florida Department of Education (FLDOE) for the Florida Best and Brightest Teacher Program; and
 - the total number of eligible full-time K-12 or Adult Education instructional employee candidates.
- If the total number of eligible full-time K-12 or Adult Education instructional employee candidates requires a total amount for recognition awards that exceeds the amount of the School District's final FEFP appropriation received from FLDOE for the Florida Best and Brightest Teacher Program, then the final award amount shall be prorated accordingly for all eligible full-time K-12 or Adult Education employee candidates.
- All awards for eligible full-time K-12 or Adult Education instructional employee candidates shall be subject to appropriate employer and employee payroll taxes as required by state and federal law.
- **Schedule of Award Payments**
 - All retention and recognition awards for eligible full-time K-12 or Adult Education instructional employee candidates shall be paid in one (1) installment no later than the second paycheck in December.
 - All recruitment awards for eligible full-time K-12 or Adult Education instructional employee candidates shall be paid in two (2) installments: the first paycheck in December and the second paycheck in May.
 - Eligible full-time K-12 or Adult Education instructional employee candidates who are on approved Family Medical Leave Act (FMLA) leave on the scheduled date of an award payment shall still be eligible to receive the award payment.
- **Eligible full-time K-12 or Adult Education instructional employee candidates shall receive no more than one (1) type of award (e.g., recruitment, retention, or recognition).**
- All awards are dependent upon the final number of eligible full-time K-12 or Adult Education instructional and paraprofessional employee candidates and final determinations of the funds available within the School District's allocation received from FLDOE for the Florida Best and Brightest Teacher Program.

2. Retention Awards for Eligible Full-Time K-12 or Adult Education Instructional Employee Candidates within Section 1012.731 – The Florida Best and Brightest Teacher Program, Florida Statutes

- For the **retention award**, an eligible full-time K-12 or Adult Education instructional employee candidate shall meet the criteria established by the Florida Department of Education.
- The Florida Department of Education shall provide the School District with the list of schools whose eligible full-time K-12 or Adult Education instructional employee candidates qualify for the **retention award**.
- For the 2018-19 school year, the eligible schools in Osceola County include:

Code#	School Name	School Type
0155	Avant Garde Academy	Charter
0161	Avant Garde Academy K8 Osceola	Charter
0916	Canoe Creek Charter Academy	Charter
0863	Four Corners Charter School	Charter
0152	Four Corners Upper School	Charter
0853	New Dimensions High School	Charter
0881	P. M. Wells Charter Academy	Charter
0149	Renaissance Charter School At Poinciana	Charter
0171	Renaissance Charter School At Tapestry	Charter
0162	St. Cloud Preparatory Academy	Charter
0401	Boggy Creek Elementary School	Traditional
0902	Celebration High School	Traditional
0851	Cypress Elementary School	Traditional
0041	Discovery Intermediate School	Traditional
0011	Harmony Community School	Traditional
0300	Koa Elementary School	Traditional
0043	Narcoossee Elementary School	Traditional
0311	Neptune Middle School	Traditional
0921	Osceola County School For The Arts	Traditional
7004	Osceola Virtual Franchise (Secondary)	Traditional
0841	Poinciana High School	Traditional
0862	Professional & Technical High School	Traditional
0201	St. Cloud High School	Traditional
0958	Sunrise Elementary School	Traditional

- Per state law, an eligible full-time K-12 or Adult Education instructional employee candidate must teach in an eligible school for two (2) consecutive school years, including the current school year.
- Therefore, if an eligible full-time K-12 or Adult Education instructional employee candidate voluntarily transferred from an eligible school in 2018-19 school year to another school for the current 2019-20 school year, then the employee candidate shall no longer be eligible for the retention award.

- Pursuant to *Section 1012.731 – The Florida Best and Brightest Teacher Program, Florida Statutes*, the amount of the **retention award** for the 2019-20 school year shall be:
 - **\$2500** for an eligible full-time K-12 or Adult Education instructional employee candidate with a final summative evaluation rating of “Highly Effective” for the 2018-19 school year; and
 - **\$1000** for an eligible full-time K-12 or Adult Education instructional employee candidate with a final summative evaluation rating of “Effective” for the 2018-19 school year.

3. Recruitment Awards for Eligible Full-Time K-12 or Adult Education Instructional Employee Candidates within Section 1012.731, Florida Statutes

- For the **recruitment award**, an eligible full-time K-12 or Adult Education instructional employee candidate shall:
 - Be a new employee employed by the School District for the first time in the 2019-20 school year;
 - Be certified and employed as a reading, mathematics, science, computer science, or civics classroom teacher; and
 - Meet the requirements to be a “content expert” as defined within *Florida State Board of Education Emergency Rule 6AER19-01 Content Expert for Best and Brightest Recruitment Award*.
- The maximum amount of the **recruitment award** for the 2019-20 school year shall not exceed \$4,000.

4. Recognition Awards for Eligible Full-Time K-12 or Adult Education Instructional Employee Candidates within Section 1012.01(2)(a) through (d) – Definitions, Florida Statutes

- For the **recognition award**, an eligible full-time K-12 or Adult Education instructional employee candidate shall:
 - have been hired prior to the 2018-19 February Florida Education Finance Program (FEFP) Full Time Equivalency (FTE) Survey 3;
 - be currently employed with the School District in a K-12 or Adult Education instructional position listed in *Section 1012.01(2)(a), (b), (c), or (d) – Definitions, Florida Statutes*; and
 - have been rated as “Highly Effective” or “Effective” for the preceding school year (2018-19) pursuant to *Section 1012.34 – Personnel evaluation procedures and criteria, Florida Statutes*.
- The maximum amount of the **recognition award** for the 2019-20 school year shall not exceed:
 - ~~\$2075~~²⁰⁰⁰ for an eligible full-time K-12 or Adult Education instructional employee candidate with a final summative evaluation rating of “Highly Effective” for the 2018-19 school year; and
 - **\$850** for an eligible full-time K-12 or Adult Education instructional employee candidate with a final summative evaluation rating of “Effective” for the 2018-19 school year.

5. Recognition Awards for Eligible Full-Time K-12 or Adult Education Paraprofessional Employees within Section 1012.01(2)(e) – Definitions, Florida Statutes

- For the **recognition award**, an eligible full-time K-12 or Adult Education Paraprofessional employee candidate shall:
 - have been hired prior to the 2018-19 February Florida Education Finance Program (FEFP) Full Time Equivalency (FTE) Survey 3;
 - be currently employed with the School District in a K-12 or Adult Education Paraprofessional position listed in *Section 1012.01(2)(e) – Definitions, Florida Statutes*; and
 - have been evaluated for the preceding school year (2018-19).
- Per the School District's Professional Support Staff evaluation system and assessment instrument, employees earn scores on multiple factors.
- For the purposes of this **recognition award**, the scores for each evaluation system factor shall be averaged together.
- The eligible full-time K-12 or Adult Education paraprofessional employee candidate's resulting average score shall be within a range with "1" being the highest (e.g., Highly Effective) and above a "2.5" being the lowest (e.g., "Unsatisfactory").
- The maximum amount of the **recognition award** for the 2019-20 school year shall not exceed:
 - ~~\$500~~⁶⁵⁰ for an eligible full-time paraprofessional employee candidate with a resulting average score on the Professional Support Staff Assessment that is between a "1" and a "2" for the 2018-19 school year.

OSCEOLA COUNTY
SCHOOL BOARD

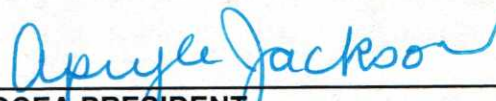


SUPERINTENDENT
Debra Pace

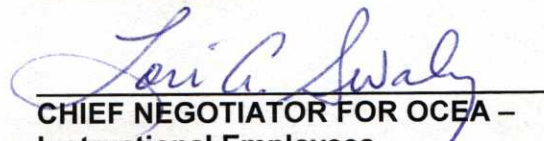


CHIEF NEGOTIATOR FOR OCSB
John Boyd

OSCEOLA COUNTY
EDUCATION ASSOCIATION



OCEA PRESIDENT
Apryle Jackson



CHIEF NEGOTIATOR FOR OCEA –
Instructional Employees
Lori Swaby



CHIEF NEGOTIATOR FOR OCEA –
Education Support Professionals
Barbara Gleason

Date: **October 10, 2019**

Related State Law

1012.01 Definitions. — As used in this chapter, the following terms have the following meanings:

(2) **INSTRUCTIONAL PERSONNEL.**—“Instructional personnel” means any K-12 staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes K-12 personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are the following K-12 personnel:

- (a) *Classroom teachers.*—Classroom teachers are staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, or adult education, including substitute teachers. (This is for retention award)
- (b) *Student personnel services.*—Student personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are certified school counselors, social workers, career specialists, and school psychologists.
- (c) *Librarians/media specialists.*—Librarians/media specialists are staff members responsible for providing school library media services. These employees are responsible for evaluating, selecting, organizing, and managing media and technology resources, equipment, and related systems; facilitating access to information resources beyond the school; working with teachers to make resources available in the instructional programs; assisting teachers and students in media productions; and instructing students in the location and use of information resources.
- (d) *Other instructional staff.*—Other instructional staff are staff members who are part of the instructional staff but are not classified in one of the categories specified in paragraphs (a)-(c). Included in this classification are primary specialists, learning resource specialists, instructional trainers, adjunct educators certified pursuant to s. 1012.57, and similar positions.
- (e) *Education paraprofessionals.*—Education paraprofessionals are individuals who are under the direct supervision of an instructional staff member, aiding the instructional process. Included in this classification are classroom paraprofessionals in regular instruction, exceptional education paraprofessionals, career education paraprofessionals, adult education paraprofessionals, library paraprofessionals, physical education and playground paraprofessionals, and other school-level paraprofessionals.

1012.731 The Florida Best and Brightest Teacher Program.—

(1) The Legislature recognizes that, second only to parents, teachers play the most critical role within schools in preparing students to achieve a high level of academic performance. Therefore, it is the intent of the Legislature to recruit, retain, and recognize teachers who meet the needs of this state and have achieved success in the classroom.

(2) The Florida Best and Brightest Teacher Program is created to provide recruitment and retention awards to classroom teachers, as defined in s. 1012.01(2)(a), and recognition awards to instructional personnel, as defined in s. 1012.01(2), to be funded as provided in s. 1011.62(18).

(3)(a) To be eligible for a one-time recruitment award as specified in the General Appropriations Act, a newly hired classroom teacher must be a content expert, based on criteria established by the department, in mathematics, science, computer science, reading, or civics.

(b) To be eligible for a retention award as specified in the General Appropriations Act, a classroom teacher must have been rated as highly effective or effective the preceding year pursuant to s. 1012.34, and teach in a school for 2 consecutive school years, including the current year, which has improved an average of 3 percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years.

(c) To be eligible for a recognition award, instructional personnel must be rated as highly effective or effective and be selected by his or her school principal, based on performance criteria and policies adopted by the district school board or charter school governing board. Recognition awards must be provided from funds remaining under the allocation provided in s. 1011.62(18) after the payment of all teacher recruitment and retention awards and principal awards authorized under this section and the General Appropriations Act.

History.—s. 25, ch. 2016-62; s. 46, ch. 2017-116; s. 39, ch. 2018-6; s. 19, ch. 2019-23.

¹Note.—Section 24, ch. 2019-23, provides that:

“(1) The Department of Revenue is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of administering the provisions of this act relating to the Hope Scholarship Program and Florida Tax Credit Scholarship Program.

“(2) Notwithstanding any other provision of law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

“(3) This section shall take effect upon this act becoming a law and shall expire January 1, 2022.”

²Note.—Section 49, ch. 2018-6, provides that:

“(1) The Department of Revenue is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of administering the provisions of this act.

“(2) Notwithstanding any other provision of law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

“(3) This section shall take effect upon this act becoming a law and shall expire January 1, 2022.”

Section 19, ch. 2019-23, substantially reworded paragraph (3)(b), which was subject to s. 49, ch. 2018-6.

6AER19-01 Content Expert for Best and Brightest Recruitment Award –

In order to allow school districts to distribute recruitment awards in the 2019-20 school year, a content expert in mathematics, science, computer science, reading, and civics means the following:

- (1) For all areas, a person who has sufficient subject matter expertise as set forth in Rule 6A-1.0503(2)(a), Definition of Qualified Instructional Personnel, F.A.C.;
- (2) For the areas of mathematics, science, or computer science, a person who has either:
 - (a) Earned at least a master's degree in the areas of mathematics, science, or computer science from an institution accredited by the United States Department of Education; or
 - (b) Earned at least a bachelor's degree in the areas of mathematics, science or computer science from an institution accredited by the United States Department of Education and who has at least five (5) years' teaching experience in the associated subject area or at least five (5) years' work experience in the associated subject area.
- (3) For the area of civics, a person who has either:
 - (a) Earned at least a master's degree in political science, American history, social studies, or social science from an institution accredited by the United States Department of Education; or
 - (b) Earned at least a bachelor's degree in political science, American history, social studies, or social science from an institution accredited by the United States Department of Education and who has at least five (5) years' teaching experience in the associated subject area or at least five (5) years' work experience in the associated subject area.
- (4) For the area of reading, a person who has either:
 - (a) Earned at least a master's degree in English, English literature, reading, or literacy instruction from an institution accredited by the United States Department of Education; or
 - (b) Earned at least a bachelor's degree in English, English literature, reading, or literacy instruction from an institution accredited by the United States Department of Education and who has at least five (5) years' teaching experience in English language arts or reading.

Rulemaking Authority 1001.02(1), (2)(n), 1011.62 FS. Law Implemented 1011.62(18), 1012.731 FS. History – New 7-29-19.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: July 29, 2019